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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(HONORABLE JEFFREY T. MILLER)

UNITED STATES OF AMERICA,

Plaintiff,

v.

BASAALY MOALIN et al.,

Defendant.

Case No. 10CR4246-JM

JOINT MOTION TO  
CONTINUE SENTENCING AND  
FOR A SCHEDULING ORDER

**IT IS HEREBY STIPULATED** between the parties, due to the fact that defense counsel plan to file motions for a new trial, pursuant to Rule 33, Fed.R.Crim.P., regarding a new and novel issue in this case that has not previously been decided by this or any other Court – namely the impact and legal effect of the disclosure by U.S. government officials that defendant Basaaly Moalin was subject to electronic surveillance programs conducted by the National Security Agency, and that information captured as a result led to the investigation in this case – that the sentencing scheduled for September 16, 2013, at 9:00 a.m., be continued to a date and time convenient to the Court after the Rule 33 motions have been decided, and it is further respectfully requested that the Court adopt the following schedule for filings and hearings in regard to the Rule 33 motions

1 and sentencings of the defendants:

- 2 a. Defendants' Rule 33 motions to be filed by September 5, 2013;
- 3 b. Government's Response to Rule 33 motions to be filed by October 11,
- 4 2013;
- 5 c. Defendants' Reply to Rule 33 motions to be filed by October 18, 2013;
- 6 d. Hearing on Rule 33 motions to be scheduled for November 7, 2013, at
- 7 1:30 p.m.; and
- 8 e. Defendants' Sentencing Memorandums to be filed no later than two
- 9 weeks after the date of the filing of the Court's Order regarding the Rule
- 10 33 motions.

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12 **IT IS SO STIPULATED AND AGREED.**

13 DATED: August 28, 2013

/s/ Joshua L. Dratel  
JOSHUA L. DRATEL  
Attorney for Basaaly Moalin

16 DATED: August 28, 2013

/s/ William Cole  
**WILLIAM COLE**  
Assistant United States Attorney